

**2020 Nationwide Permits
Regional Conditions
Walla Walla Regulatory Division (State of Idaho)**

September 30, 2020

The following Nationwide Permit (NWP) regional conditions are required in the state of Idaho and apply to all NWPs. Regional conditions are established by individual Corps Districts to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resources concerns. This document also includes regional additions to the NWP General Conditions, notification procedures pertaining to certain NWP's, and regional additions to the definitions.

REGIONAL CONDITIONS

A. Watersheds Requiring Pre-Construction Notification, Specific to Anadromous Fish

This Regional Condition applies to all NWPs.

- Pre-construction notification (PCN) will be required for the above listed nationwide permits in the geographic area as shown on Figure 1 (below): *Watersheds Requiring Pre-Construction Notification*, dated November 18, 2018.

B. Vegetation Preservation and Replanting

- To avoid impacts to aquatic habitat and to reduce sedimentation and erosion, permittee shall avoid and minimize the removal of vegetation in waters of the U.S. to the maximum extent practicable. Areas subject to temporary vegetation removal in waters of the U.S. during construction shall be replanted with appropriate native¹ species by the end of the first growing season, unless conditioned otherwise. Permittee shall avoid introducing or spreading noxious or invasive plants².
- Replanted vegetation that does not survive the first growing season shall be replanted before the end of the next growing season. Re-plantings, shall continue to occur until desired vegetation densities are achieved. Re-vegetation densities should be based on reference conditions.

C. De-watering & Re-watering (as applicable)

- Cofferdams shall be constructed of non-erosive material such as concrete jersey barriers, bulk bags, water bladders, sheet pile, and other similar non-erosive devices. Cofferdams

¹ Idaho Department of Transportation, Native Plants for Idaho Roadside Restoration and Revegetation Programs: https://itd.idaho.gov/wp-content/uploads/2016/06/RP171Roadside_Revegetation.pdf

² U.S. Department of Agriculture, Natural Resource Conservation Service Plant Database of introduced, invasive, and noxious plants for Idaho: <https://plants.usda.gov/java/noxious?rptType=State&statefips=16>.

may not be constructed by using mechanized equipment to push streambed material through flowing water.

- Diversion channels constructed to bypass flow around the construction site shall be lined with plastic, large rock, pipe or otherwise protected from erosion prior to releasing flows into or through the diversion channel.
- Water removed from within the coffered area shall be pumped to a sediment basin or otherwise treated to remove suspended sediments prior to its return to the waterway.
- To prevent unwanted passage of state or federally-protected fish, if present, from the coffered area, water pipe intake(s) shall be appropriately screened (contact your local IDFG³ and/or NMFS⁴ office to determine the appropriate screen size).
- Should fish be present within the coffered areas, they shall be collected by electrofishing, seining or dip net, or otherwise removed and returned to the waterway upstream of the project area. If electrofishing is used, the National Marine Fisheries Service (NMFS) guidelines for electrofishing should be followed⁵, unless conditioned otherwise.
- Stream channels that have been dewatered during project construction shall be re-watered slowly to avoid lateral and vertical erosion of the de-watered channel, prevent damage to recently reclaimed work areas and/or damage to permitted work.
- Temporary stockpiles in waters of the United States shall be removed in their entirety so as not to form a berm or levee parallel to the stream that could confine flows or restrict overbank flow to the floodplain.

D. In-Water Structures and Complexes

- PCN notification in accordance with General Condition 32 is required for all non-federal applicants with activities involving gabion baskets placed below the ordinary high water mark.
- Stream meanders, riffle and pool complexes, pool stream structures, rock/log barbs, rock J-hooks, drop structures, sills, engineered log jams or similar structures/features when used shall be site specifically designed by an appropriate professional with experience in hydrology or fluvial geomorphology.

E. Temporary Side Casting

- Materials from exploratory trenching and installation of utility lines may be temporarily side cast into a de-watered coffered area for up to 30 days but not within flowing waters. Material from exploratory trenching and installation of utility lines in wetlands may be temporarily side cast for up to 30 days.

³ List of Idaho Fish & Game field offices and contact information: <https://idfg.idaho.gov/offices>

⁴ List of National Marine Fisheries field offices and contact information: <https://www.fisheries.noaa.gov/west-coast/about-us/west-coast-region-locations>

⁵ Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (June 2000) http://www.westcoast.fisheries.noaa.gov/publications/reference_documents/esa_refs/section4d/electro2000.pdf

F. Suitability of Sediments for Open Water Disposal and us as Fill

- Sampling for determination of suitability of sediments for open water disposal or for use as fill, must comply with the Sediment Evaluation Framework for the Pacific Northwest (SEF)⁶.

G. Avoidance and Minimization

- In addition to information required under General Condition 32 (b), the applicant shall include information about previous discharges of fill material into waters of the United States within the project area. This is only for non-federal applicants where a PCN is required.
- Discharges of dredged or fill material into waters of the U.S., including wetlands, to meet local government set back requirements are not authorized under NWP.

H. Erosion Control

- Erosion control blanket or fabric used in or adjacent to waters of the U.S. shall be comprised of biodegradable material, to ensure decomposition and reduced risk to fish, wildlife and public safety, unless conditioned otherwise. If the applicant proposes to use materials other than as indicated above they must demonstrate how the use of such materials will not cause harm to fish, wildlife and public safety.

I. Reporting Requirement for Federal Permittees

- Federal Agencies with projects that require compensatory mitigation and who propose to purchase credits from an approved wetland and/or stream mitigation bank must provide proof of purchase within 30 days of when the credits were purchased. Purchase of credits from an approved mitigation bank must be IAW the Mitigation Banking Instrument of Record.

⁶ Northwest Regional Sediment Evaluation Team (RSET) 2016. Sediment Evaluation Framework for the Pacific Northwest. Prepared by the RSET Agencies, July 2016, 160 pp plus appendices. <http://nwd.usace.army.mil/Missions/Civil-Works/Navigation/RSET/SEF>

REGIONAL ADDITIONS TO THE GENERAL CONDITIONS

General Condition 4. Migratory Bird Breeding Areas. Regional Addition: For additional information contact the US Fish and Wildlife Service State Office (Boise) at (208) 378-5243, North Idaho Field Office (Spokane) at (509) 891-6839, or the Eastern Idaho Field Office (Chubbuck) at (208) 237-6975 ext. 102. <https://www.fws.gov/idaho/promo.cfm?id=177175802>.

General Condition 6. Suitable Material. Regional Addition: Erosion control blanket or fabric used in or adjacent to waters of the U.S. shall be comprised of biodegradable material, to ensure decomposition and reduced risk to fish, wildlife and public safety, unless conditioned otherwise. If the applicant proposes to use materials other than as indicated above they must demonstrate how the use of such materials will not cause harm to fish, wildlife and public safety.

General Condition 9. Management of Water Flows. Regional Addition: To obtain information on State of Idaho definition of high water refer to Idaho Department of Water Resources (IDAPA 37.03.07. Rule 62.03.04.a). For culverts or bridges located in a community qualifying for the national flood insurance program, the minimum size culvert shall accommodate the 100-year flood design flow frequency (IDAPA 37.03.07. Rule 62.03.04.c).

General Condition 12. Soil Erosion and Sediment Controls. Regional Addition: For additional information refer to the Idaho Department of Environmental Quality *Idaho Catalog of Storm Water Best Management Practices* (April 2020), available online at: <https://www.deq.idaho.gov/media/60184297/stormwater-bmp-catalog.pdf>.

General Condition 18. Endangered Species. Regional Addition: For additional information on ESA listed species in north Idaho contact the US Fish and Wildlife Service North Idaho Field Office (Spokane) at (509) 891-6839, and for all other counties in Idaho contact the State Office (Boise) at (208) 378-5243.

General Condition 20. Historic Properties. Regional Addition: Property is generally considered "historic" if it is at least 50 years old and is not limited to buildings. For additional information on the potential for cultural resources in proximity to the project site, contact the Idaho State Historic Preservation Office at (208) 334-3861 located in Boise, Idaho.

NOTIFICATION PROCEDURES BY THE CORPS FOR CERTAIN NATIONWIDE PERMITS

NWP 27: Aquatic Habitat Restoration, Establishment, and Enhancement Activities:

Prior to verification, the Corps will coordinate the project with the Idaho Department of Fish and Game for activities in perennial, fish bearing streams.

Waivers: For the following nationwide permits, District coordination with Idaho Department of Environmental Quality (IDEQ) and Environmental Protection Agency (Tribal Lands) will be conducted prior to the District Engineer making a waiver determination to ensure the proposed activity is in compliance with Section 401 Water Quality Standards (13, 36 and 54).

Select Waters and Wetlands: The Corps will coordinate with the Idaho Department of Fish and Game (IDFG) for activities in the following waters, watersheds and wetlands that require notification and are authorized by NWPs 3, 6, 7, 12, 13, 14, 17, 18, 22, 23, 27, 29, 31, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 52, and 53:

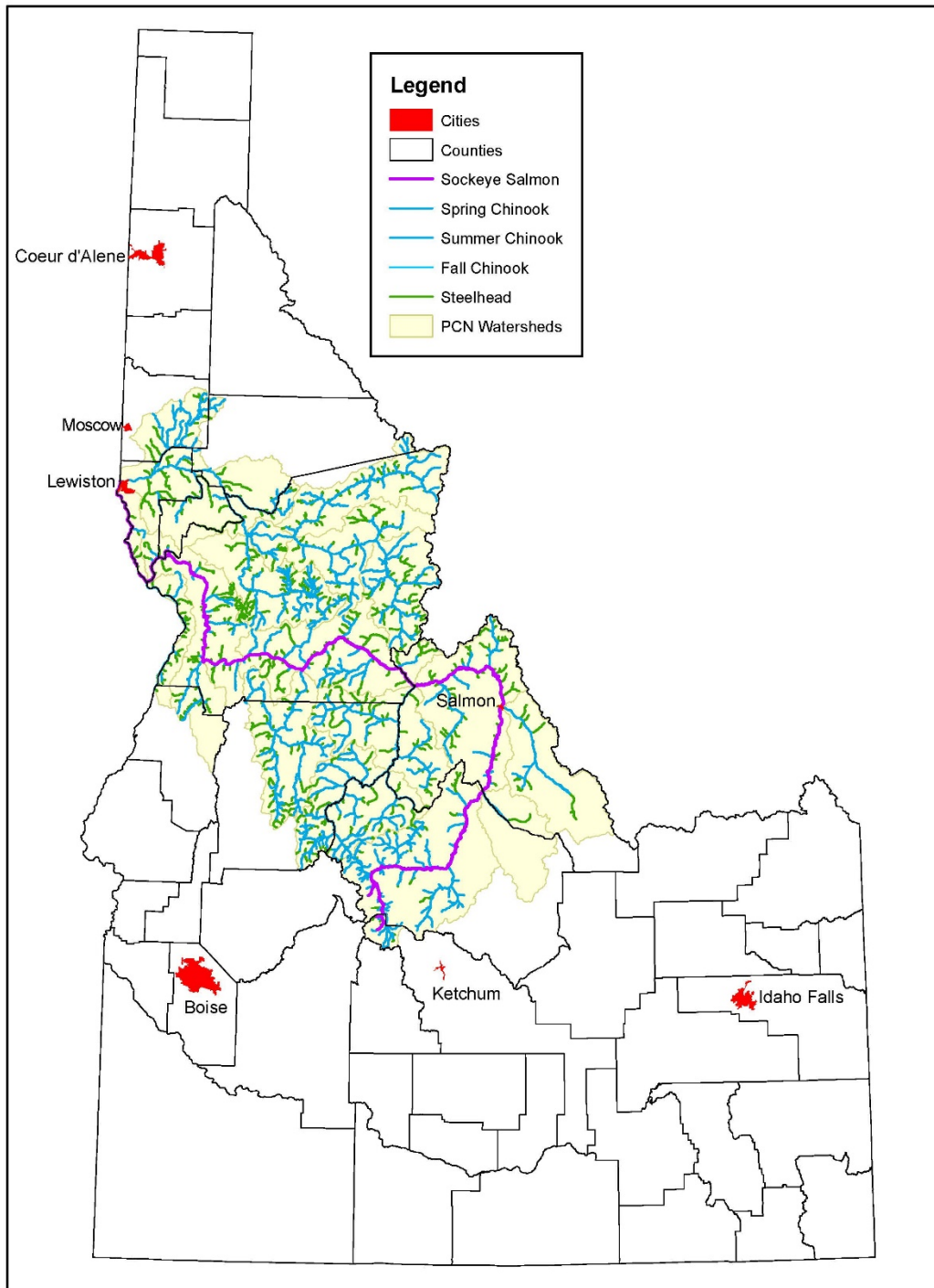
- **Waters:** Henry's Fork of the Snake River and its tributaries; South Fork Snake River and its tributaries; Big Lost River upstream of the US 93 crossing south of Leslie; East Fork Big Lost River; Boise River upstream of Arrow Rock Reservoir; Salmon River and its tributaries, St. Joe River; Priest River; Big Wood River.
- **River Basins and Watersheds:** Beaver-Camas Creeks and Mud Lake Basin; Medicine Lodge Creek and Crooked Creek; Kootenai River; Middle and South Fork Clearwater River.
- **The following HUC 12 sub-watersheds:**
 - Big Sand Creek-Palouse River (170601080102); Rock Creek-Palouse River (170601080110); Upper Lolo Creek (170603060201); Musselshell Creek (170603060202); Eldorado Creek (170603060203); Middle Lolo Creek (170603060204); Lower Lolo Creek (170603060205); East Fork Potlatch River (170603060801); West Fork Potlatch River-Potlatch River (170603060802); and Hog Meadow Creek-Potlatch River (17060306902).
- Wetlands identified in Idaho Department of Fish and Game, Wetland Conservation Strategy as Class I, Class II and Reference Habitat Sites⁷.
- Wetlands identified in the Idaho Wetland Conservation Prioritization Plan-2012⁸.

⁷ Idaho Department of Fish and Game (IDFG) Wetland Conservation Strategies have been developed for the Henrys Fork Basin, Northern Idaho, Big Wood River, Southeast Idaho, East-Central Idaho and Spokane River Basin, Middle and Western Snake River and tributaries, and the Upper Snake River-Portneuf Drainage, Weiser River Basin, and West Central Mountain Valleys and adjacent wetlands. Closed basins of Beaver-Camas Creeks, Medicine Lodge Creek, Palouse River and lower Clearwater River sub-basins, Middle Fork and South Fork Clearwater Basins and Camas Prairie in northern Idaho. Refer to the internet site at: <https://idfg.idaho.gov/species/bibliography/project/wetlands>

⁸ Murphy, C., J. Miller and A. Schmidt. 2012. <https://idfg.idaho.gov/species/bibliography/1496551>



Watersheds Requiring Pre-Construction Notification



14 November 2018

Figure 1: Watersheds Requiring Pre-Construction Notification